

Title 33
ENVIRONMENTAL QUALITY
Part VII.Solid Waste

Chapter 3. Scope and Mandatory Provisions of the Program

§301. Wastes Governed by These Regulations

All solid wastes as defined by the act and these regulations, ~~are subject to the provisions of these regulations, except as follows:~~

§302. Wastes not Governed by these Regulations

A. Wastes regulated under other authority and not processed or disposed of in solid waste facilities permitted under these regulations, including, but not limited to, the following wastes:

1. agricultural-crop residues, aquacultural residues, silvicultural residues, and other agricultural wastes stored, processed, or disposed of on the site where the crops are grown or which are stored, processed, or disposed in accordance with a best management practice plan which has been provided to the department Solid Waste Division and approved in writing by the Department of Agriculture, and within the jurisdiction of the Department of Agriculture;
2. mining overburden, spoils, tailings, and related solid wastes within the jurisdiction of the Department of Natural Resources, Office of Conservation;
3. produced-waste fluids and muds resulting from the exploration for or production of petroleum and geothermal energy, and all surface and storage waste facilities incidental to oil and gas exploration and production, within the jurisdiction of the Department of Natural Resources, Office of Conservation;
4. uncontaminated dredge or earthen excavation spoil;
5. solid wastes while they are stored at residences or commercial establishments and regulated by local ordinance, or within the jurisdiction of the Department of Health and Hospitals;
6. uncontaminated residues from beneficiation of earthen material;
7. uncontaminated stormwater and uncontaminated noncontact cooling water;
8. infectious waste or other hospital or clinic wastes that are not processed or disposed of in solid waste processing or disposal facilities permitted under these regulations.

B. Wastes excluded by the definition of solid waste in the act and/or as otherwise specified in the act including:

1. hazardous wastes subject to regulation under R.S. 30:2171 et seq.;
 2. solid or dissolved material in domestic sewage (such as domestic-oxidation ponds), except separated sludges;
 3. solid or dissolved materials in irrigation-return flow;
 4. discharges that are downstream from point sources subject to permit under R.S. 30:2074, except waste contained in solid waste facilities prior to the final discharge point.
- However:

a. wastewaters in existing ditches which are downstream of a designated internal state or federal wastewater discharge point are exempt from the definition of solid waste if they require no further treatment to meet final state or federal wastewater discharge point permit limits or if they require only pH adjustment to meet final pH permit limits or suspended solids settling specifically to meet final total suspended solids permit limits.

b. wastewaters in existing ditches upstream of a designated final state or federal wastewater discharge point which require no further treatment to meet final state or federal permit limits or which only require pH adjustment to meet final pH permit limits or solids settling specifically to meet total suspended solids permit limits are exempt from the definition of solid waste.

c. solids or sludges in ditches are exempt from the definition of solid waste until such time as such solids or sludges are removed from the ditches for disposal, provided however, that this exclusion from the definition of solid waste only applies to solids and sludges derived from wastewaters described in Subsection B.4.a and b of this Section.

d. the administrative authority reserves the right to withdraw the exemption for wastewaters in Subsection B.4.a and b if the wastewaters contribute to groundwater contamination.

5. source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and

6. compost produced by an individual for his own use, as provided in R.S. 30:2416.G.

7. Automotive fluff which results from the shredding of automobiles by a scrap metal recycling facility authorized under the laws of the state of Louisiana and from which metals have been recovered to the maximum extent practicable by the scrap metal recycling facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996).

§303. ~~Materials~~ Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

The following solid wastes, that are processed or disposed of in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

A. wastes resulting from land and right-of-way clearing (trees, stumps) and disposed of on the site where generated;

B. solid wastes in facilities that have been closed in a manner acceptable to the administrative authority prior to January 20, 1981. ~~(This Subsection is not intended to require permitting of any facilities which have been closed in a manner acceptable to the administrative authority and which remain closed.);~~

C. ~~materials such as waste~~ papers, metals, plastics and glass that are presorted to be recycled or reused and not destined for disposal;

D. uncontaminated earthen materials such as limestone, clays, sands, clamshells, river silt, and uncontaminated residues from beneficiation of earthen materials;

E. brick, stone, reinforced and unreinforced concrete, and asphaltic roadbeds;

F. sludges resulting from the treatment of water at public or privately owned water-

supply treatment plants;

G. petroleum-refining catalysts and other materials utilized as feedstocks which are managed at a facility in order to recover these wastes for further use;

H. agricultural wastes, including manures, that are removed from the site of generation by an individual for his own personal use on land owned or controlled by the individual. ~~The amount of wastes covered by this exemption shall not exceed 10 tons per year (wet weight) per individual per use location;~~

I. solid wastes which are treated or disposed of in a hazardous waste treatment or disposal facility which is ~~permitted and operated regulated~~ under LAC 33:Part V;

J. woodwastes which are beneficially-used in accordance with a Best Management Practice Plan approved in writing by the Department of Agriculture and submitted to the ~~department Solid Waste Division~~, provided the following requirements are met:

1. the generator must notify the ~~department Solid Waste Division~~ of such activity at each site in accordance with LAC 33:VII.503.A;

2. the generator must submit a disposer annual report in accordance with the standards in LAC 33:VII.1109, which report amounts of woodwastes beneficially-used at each site;

K. infectious waste which is generated by individuals in a residence, or by health care services which provide medical treatment to individuals at home, provided that these wastes are retained by the patient for processing or disposal. Wastes generated under this scenario would be regulated as "residential solid waste" which may be disposed as ordinary municipal waste, provided that it is properly packaged according to the requirements of Chapter 27 of the Sanitary Code, State of Louisiana.

L. solid wastes re-used in a manner protective of human health and the environment, as demonstrated by a soil re-use plan prepared in accordance with LAC 33:I.Chapter 13 and approved by the administrative authority; ~~and~~

~~M.~~ other wastes deemed acceptable by the administrative authority based on possible environmental impact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998).

§305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

The following facilities, that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

A. incinerators which receive only on-site-generated commercial solid waste and which have a design rate of no more than 250 pounds per hour;

B. shredders, balers, and compactors that receive no waste volume from off-site sources;

C. facilities which process on-site-generated, nonhazardous, petroleum-contaminated media and debris from underground storage tank corrective action, provided such treatment is completed in less than 12 months and authorized by the Underground Storage Tank Division;

D. construction/demolition-debris disposal facilities at industrial sites which receive only on-site-generated construction/demolition-debris provided the following requirements are met:

1. the facility must notify the department ~~Solid Waste Division~~ of such activity in accordance with LAC 33:VII.503.A;
2. the facility must submit a disposer annual report in accordance with the standards for construction/demolition-debris disposal facilities found in LAC 33:VII.721;
3. does not include construction or renovation of residential or commercial property.

E. solid waste injection wells which are under the jurisdiction of the Department of Natural Resources. However, any storage, processing, or disposal (not including injection) incidental to such injection wells is subject to these regulations;

F. industrial facilities which process solid waste by non-destructive and non-thermal means on the site where the waste is generated (i.e., none of the waste is from off-site sources);

G. secondary containment systems (e.g., sumps or dikes) which are designed and operated to contain non-routine spill events (i.e., do not routinely receive solid waste except for de minimus spillage) from manufacturing or product storage areas within an industrial establishment. This exemption does not include secondary containment systems for solid waste disposal units;

H. woodwaste facilities at which only woodwaste is disposed of on property owned by the generator of the woodwaste, provided the following requirements are met:

1. the facility must notify the department ~~Solid Waste Division~~ of such activity in accordance with LAC 33:VII.503.A;

2. the facility must submit a disposer annual report in accordance with the standards for woodwaste disposal facilities in LAC 33:VII.721;

3. the facility must comply with applicable Louisiana Water Pollution Control Regulations;

4. the facility must comply with the perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b, and c, and with the buffer zone requirements in LAC 33:VII.719.B.2;

I. facilities at which only woodwastes resulting from utility right-of-way clearing are received, provided the following conditions are met:

1. the facility property must be controlled by the utility company which generates the woodwaste;

2. the facility must comply with the natural or manmade perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b, and c;

3. the facility must not receive solid waste from any source other than the utility company (or its authorized contractors) which generates the waste;

4. the facility must notify the department ~~Solid Waste Division~~ of its activities in accordance with LAC 33:VII.503.A;

5. the facility must submit a disposer annual report which accurately estimates volumes of waste disposed in accordance with the standards for woodwaste disposal facilities found in LAC 33:VII.721; and

6. the facility must comply with applicable Louisiana Water Quality Regulations (LAC 33:Part IX).

J. ditches that receive nonroutine spillage (i.e., do not routinely receive solid waste except for de minimus spillage) from manufacturing or product storage areas within an industrial establishment. This exemption does not include ditches for solid waste disposal units such as landfills, landfarms, or surface impoundments.

K. Recycling facilities which receive only source separated recyclables.

L. hospitals and other health care facilities that store or treat regulated infectious waste generated on-site or that accept waste from offsite wholly or partly owned subsidiaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996).

§307. Exemptions

A. Any person subject to these regulations who generates, collects, stores, transports, processes, or disposes of solid waste may petition the administrative authority for exemption from these regulations or any portion thereof.

1. The administrative authority may provide exemptions from these regulations or any portion thereof when petitions for such are deemed appropriate after consideration of the factors enumerated in Subsection B.2.a and b of this Section as well as any other pertinent factors.

2. The administrative authority shall make a decision whether or not to grant the exemption requested within 180 days from the date on which the request for exemption was filed, unless a longer time period is agreed upon by mutual consent of the applicant and the administrative authority. In no case shall the time period be greater than one year.

B. Each request for an exemption must:

1. identify the specific provisions of these regulations from which a specific exemption is sought;

2. provide sufficient justification for the type of exemption sought, which includes, but may not be limited to, the following demonstrations:

a. that compliance with the identified provisions would tend to impose an unreasonable economic, technologic, or safety burden on the person or the public; and

b. that the proposed activity will have no significant adverse impact on the public health, safety, welfare, and the environment, and that it will be consistent with the provisions of the act;

3. include proof of publication of the notice as required in Subsection C.1 of this Section, ~~except for emergency exemptions.~~

C. Public Notification of Exemption Requests

~~1. Persons requesting an exemption shall publish a notice of intent to submit a request for an exemption, except as provided in Subsection C.2 of this Section.~~ This notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement measuring three columns by five inches, in the legal-notices section of the official journal of the state, will be the only public notice required.

~~2. Persons granted emergency exemptions by the administrative authority shall publish a notice to that effect in the legal-notices section of a newspaper of general circulation in the area and parish where the facility requesting the exemption is located. The~~

~~notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal notices section of the official journal of the state. The notice shall describe the nature of the emergency exemption and the period of time for which the exemption was granted. Proof of publication of the notice shall be forwarded to the Solid Waste Division within 60 days after the granting of an emergency exemption.~~

D. Innovative or Alternate Technology Exemption. Persons requesting an exemption based on innovative or alternate technology shall follow the procedure specified in Subsections A, B, and C, except for B.24.a of this Section. Requests for exemptions based on innovative technology may be granted by the administrative authority based on the ability of the applicant to make the following demonstrations:

1. the request is based on innovative or alternative technology;
2. the innovative or alternative technology must satisfy all of the applicable standards in LAC 33:Part VII other than those for which the exemption is sought; and
3. the innovative or alternative technology must produce performance or provide protection that is equivalent or superior to that required by all the standards for which the exemption is sought.

E. No exemptions may be granted for Type II landfills which would allow noncompliance with federal regulations, specifically 40 CFR 257 and 258, as amended on October 9, 1991 and all future amendments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§309. Confidentiality

Provisions for confidential information may be found in LAC 33:I.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary in LR 22:344 (May 1996).

§311. Submittal of Information by Persons Other than Permit Holder or Applicant

Documentation must be provided by the permit holder or applicant authorizing other persons to submit information on their behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§313. Classification

A. All solid waste facilities will be classified in accordance with the provisions of LAC 33:VII.Subpart 1.

B. All existing solid waste facilities not previously classified or issued a standard permit will be classified in accordance with the provisions of these regulations in one of the two following categories:

1. upgrade, to meet the standards set forth in LAC 33:VII.Chapter 7 of these regulations; or
2. closure, in accordance with the standards set forth in LAC 33:VII.Chapter 7 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§315. Mandatory Provisions

All persons conducting activities regulated under these regulations shall comply with the following provisions:

A. Generating, Collecting, Transporting, Storing, Processing, and Disposing of Solid Waste. Solid waste shall be generated, collected, transported, stored, processed, and disposed of only in accordance with these regulations.

B. Generators of waste (except single and multi-family dwellings) shall ensure that those wastes are transported for recycling, processing or disposal only to facilities permitted to receive such wastes.

CB. Storage of Wastes. No solid waste shall be stored or allowed to be stored in a manner that it may cause a nuisance or health hazard as determined by the administrative authority.

D. Facilities which receive processed solid waste or sewage sludge for transloading, off-loading or disposal must notify local governing authorities at least thirty days prior to receipt of such waste.

EC. Existing Facilities Not Operating under a Standard Permit. All facilities without a standard permit, whether operating or inactive, shall be upgraded or closed in accordance with LAC 33:VII.Subpart 1 unless they have previously been satisfactorily closed in accordance with LAC 33:VII.Subpart 1.

FD. Permits for Existing Facilities Operating without a Standard Permit. All existing solid waste facilities classified for upgrading shall apply for a standard permit according to these regulations.

GE. Permits for New Facilities. No new solid waste facilities shall be constructed or operated after January 20, 1981, without a permit issued by the administrative authority in accordance with these regulations.

HF. Construction of New or Modified Facilities. No construction of a new facility or modification of an existing facility may commence without a permit.

IG.

~~1. Existing Type I Landfills and Type I Landfarms~~

~~a. Permit holders for existing Type I landfills and Type I landfarms operating under a standard permit must submit to the Solid Waste Division, no later than February 1, 1994, a mandatory modification document to address these regulations.~~

~~b. Existing Type I landfills and Type I landfarms shall be upgraded in accordance with these regulations no later than December 31, 1997.~~

~~2. Existing Type II Landfills~~

~~a. Permit holders of existing Type II landfills operating under a standard permit must submit to the Solid Waste Division, no later than August 1, 1994, a mandatory modification document to address these regulations.~~

~~b. Except as provided in Subsection G.2.c of this Section, existing Type II landfills shall be upgraded in accordance with these regulations no later than December 31, 1997.~~

~~c. Special Subtitle D Upgrade Requirements. Notwithstanding Subsection G.2.a and b of this Section, the following upgrade schedule applies:~~

i. — Existing Type II landfills must be upgraded, to comply with LAC 33:VII.709.A.2 (regarding airports), LAC 33:VII.709.B.1.a, b, and c (regarding restriction of public access), LAC 33:VII.709.B.5 and LAC 33:VII.711.D.1.a (regarding hazardous waste exclusion), LAC 33:VII.709.B.6 (regarding discharges to surface water), LAC 33:VII.709.C.3 (regarding unstable areas), LAC 33:VII.711.A.1 (regarding 100-year floodplains), LAC 33:VII.711.A.2 and 3 (regarding run-on/runoff control), LAC 33:VII.711.B.2 (regarding daily cover), LAC 33:VII.711.D.1.b (regarding open burning), LAC 33:VII.711.D.1.g (regarding liquid waste exclusion), LAC 33:VII.711.D.3.a (regarding methane monitoring), and LAC 33:VII.711.D.3.c (regarding vector control) no later than October 9, 1993.

ii. — Units of Type II landfills which did not receive solid waste prior to October 9, 1993, must comply with LAC 33:VII.709.A.4 (regarding wetlands demonstrations), LAC 33:VII.709.A.5 (regarding fault areas), LAC 33:VII.709.C.2 (regarding seismic impact zones), LAC 33:VII.709.E (regarding groundwater monitoring) and LAC 33:VII.711.B.4 and 5 (regarding plans and specifications for leachate collection and liners) before receiving solid waste.

iii. — Units of Type II landfills which are less than one mile from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than October 9, 1994.

iv. — Units of Type II landfills which are less than two miles from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than October 9, 1995.

v. — Units of Type II landfills which are greater than two miles from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than August 1, 1996.

vi. — The administrative authority may extend the date for compliance with LAC 33:VII.315.G.2.c.i to April 9, 1994, for qualified existing Type II landfill units.

vii. — The administrative authority may extend the post-closure waste acceptance dates in LAC 33:VII.711.F.2.a and b to April 9, 1994 for existing units of qualified Type II landfills.

viii. — For the purposes of Subsection G.2.c.vi and vii, a qualified Type II landfill is one which:

(a). — received no more than 100 tons per day of solid waste between October 9, 1991 and October 9, 1992, based on a calendar daily average; and

(b). — will receive no more than 100 tons per day of solid waste based on a daily average computed each month between October 9, 1993 and April 9, 1994.

3. — All Other Existing Type I, Type I A, Type II, and Type II A Facilities —

a. — Permit holders for all other Type I, Type I A, Type II, and Type II A facilities operating under a standard permit must submit to the Solid Waste Division, Office of Solid and Hazardous Waste, Department of Environmental Quality, no later than February 1, 1994, a mandatory modification document to address these regulations.

b. — Existing Type I, Type I A, Type II, and Type II A facilities shall be upgraded in accordance with these regulations no later than December 31, 1997.

4. Financial Assurance. — Existing Types I, II, or III facilities that are owned or operated by local governments must comply with the financial assurance requirements in LAC

~~33:VII.727 no later than April 9, 1997. The administrative authority may waive the requirements of this Section for up to one year until April 9, 1998, for good cause if an owner or operator demonstrates that the April 9, 1997, effective date for the requirements of this Section does not provide sufficient time to comply with these requirements and that such a waiver will not adversely affect human health and the environment. All other facilities must comply by February 20, 1995.~~

~~5. — Units of existing Type II landfills which are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before December 31, 1997.~~

~~6. — Units of facilities, other than Type II landfills, which are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before their respective upgrade deadlines provided in Subsection G of this Section.~~

~~7. — Permit holders of facilities which have earthen ditches that lead to or from units of the facility and receive solid waste must:~~

~~a. — submit a plan by February 1, 1994 to:~~
~~i. upgrade the ditches to meet these regulations (This plan must be in the form of a permit modification, and may be included in the mandatory modification document for the facility.); or~~

~~ii. — remove the solid waste from the ditches and line them with materials capable of preventing groundwater contamination; or~~

~~iii. — remove the solid waste from the ditches and cease disposing of solid waste in the ditches.~~

~~b. — upgrade the ditches in accordance with these regulations and the permit modification by February 1, 1998.~~

~~8. — Type I and II facilities with closure plans approved prior to and which do not receive solid waste on or after October 9, 1993, may complete closure and post closure under the terms of the approved closure plan, except that Type II landfills which received solid waste on or after October 9, 1991 must meet standards for placement and maintenance of final cover in LAC 33:VII.711.E and F.~~

~~9. — The permit holder of a Type II facility must submit to the Solid Waste Division a new or amended closure plan and a post closure plan in the form of a permit modification to address these regulations no later than October 9, 1993 or by the initial receipt of waste, whichever is later.~~

~~10. Municipal solid waste landfills that commenced construction, reconstruction, or modification or began accepting waste on or after May 30, 1991, are subject to 40 CFR part 60, subpart WWW - Standards of Performance for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit from the Air Quality Division of the department.~~

~~J~~ ~~44. Municipal solid waste landfills that accepted waste on or after November 8, 1987, or for which construction, reconstruction, or modification was commenced before May 30, 1991, may be subject to 40 CFR part 60, subpart Cc - Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit from the Air Quality Division of the department.~~

~~H. — Existing Facilities Operating Under a Temporary Permit with Pending Permit Applications. Permit holders of existing facilities operating under a temporary permit must submit to the Solid Waste Division, Office of Solid and Hazardous Waste, Department of~~

~~Environmental Quality, no later than January 1, 1994, an addendum to the permit application to address these regulations. Existing facilities which do not hold a standard permit must be upgraded in accordance with the applicable deadlines according to facility type in Subsection G of this Section unless earlier deadlines are required by the administrative authority.~~

~~I. Applicants of Proposed Facilities With Pending Permit Applications~~

~~1. Applicants of proposed facilities with permit applications on file with the Solid Waste Division, Office of Solid and Hazardous Waste, Department of Environmental Quality, must submit to the office, no later than January 1, 1994, an addendum to their application to address these regulations.~~

~~2. Failure to submit an addendum to the application by January 1, 1994, shall be considered a withdrawal of the permit application and shall require no further action.~~

KJ. Access to Facilities. The administrative authority or his representative shall have access to the premises of all facilities used for the management of solid waste for all purposes authorized under R.S. 30:2001 et seq., particularly R.S. 30:2012. These inspections are normally may be conducted during normal operating hours; however, the office reserves the right to conduct inspections before and after operating hours. Upon request of the operator or permit holder, the administrative authority or his representative shall discuss the preliminary findings of any such investigation before leaving the premises.

LK. Reporting of Unauthorized Discharge. Any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land of the state in contravention of the act, these regulations, or the terms and conditions of a permit issued thereunder, or any accident, fire, explosion, or other emergency that results in such unauthorized solid waste discharge, shall be reported by any person causing, allowing, or suffering said discharge or by any person with knowledge of the discharge to the office, as required by the Notification Regulations and Procedures for Unauthorized Discharges (LAC 33:I.Subpart 2).

ML. Cleanup of Unauthorized Discharge. The cleanup, isolation, removal, or otherwise rendering safe of solid waste processed or disposed of in a manner not authorized by these regulations, or at a facility not permitted to receive such wastes, shall be conducted in accordance with the terms and conditions of any order issued by the administrative authority. Such orders shall not preclude other enforcement action under R.S. 30:2025.

NM. Notice of Damage to Structures in a Solid Waste Facility. ~~The Solid Waste Division~~ department shall be notified within 48 hours by telephone or other means of communication when damage to or degradation of any structure of a solid waste facility occurs that would impair the ability of the facility to meet the conditions of its permit.

ON. Hazardous or Nuclear Wastes in Solid Waste Facilities. No hazardous waste or nuclear material regulated under the Louisiana Hazardous Waste Rules and Regulations or Louisiana Radiation Regulations shall be processed or disposed of at a solid waste facility except in conformance with those regulations. Collectors, transporters, processors, and disposers of solid waste must determine, according to approved methods, that the waste is not hazardous before collecting, transporting, processing, or disposing of it.

PO. Compliance with Other Regulations. All facilities may be subject to applicable federal and state laws and regulations, including, but not limited to Section 402 (NPDES) and Section 404 (Dredge and Fill) of the Clean Water Act; the Coastal Zone Management Act and Federal Aviation Administration regulations; the National Historic Preservation Act of 1966, as amended; the Endangered Species Act; the Wild and Scenic Rivers Act; the Fish and Wildlife Coordination Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection

Research and Sanctuary Act; the Resource Recovery and Conservation Act; and the Federal Insecticide, Fungicide, and Rodenticide Act.

QP. Contamination of the Waters of the State. No person(s) shall cause, allow, or permit solid waste to be disposed of in such a manner that it enters the waters of the state. This does not apply to discharges into waters of the state in accordance with state or federal wastewater-discharge permits.

RQ. Open burning of solid waste is prohibited, except as otherwise provided in these regulations.

SR. Spent Bauxite Waste and By-product Gypsum and Related Wastes

1. The administrative authority may give special consideration to landfills which receive only by-product gypsum and related wastes (resulting from the production of phosphoric acid, phosphate fertilizers, and hydrofluoric acid) which is generated on-site, with regard to standards for receipt of liquid waste, standing water, specific design and operation of liners and leachate collection and removal systems, daily cover, and final cover, which may include waiver or modification of these standards.

2. The administrative authority may give special consideration to surface impoundments which receive only spent bauxite waste and related wastes (resulting from production of alumina) which is generated on-site, with regard to standards for liners and final cover which may include waiver or modification of these standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997).

§317. Division of Responsibility

A. The administrative authority is responsible for the following:

1. identifying solid waste processing and disposal facilities;
2. classifying such facilities for "closure" or "upgrade";
3. performing all necessary regulatory operations, including:
 - a. operating the permit system;
 - b. surveillance and monitoring to determine facility compliance; and
 - c. initiating and processing enforcement actions when necessary to

meet the purposes of these regulations.

4. soliciting, administering, and distributing federal, state, and other funds; and
5. entering into contracts as necessary to carry out the mandates of the act.

B. Municipalities, parishes, and regional commissions are responsible for the following:

1. planning and operating necessary pickup and collection systems, including recycling programs, and delivering solid waste to permitted processing or disposal facilities authorized by the Louisiana Resource Recovery and Development Authority;
2. planning and operating permitted processing and/or disposal facilities authorized by the Louisiana Resource Recovery and Development Authority, or cooperating with the Louisiana Resource Recovery and Development Authority, or other entity, to implement regional management systems;
3. providing necessary financial support for the regional management

systems authorized by the Louisiana Resource Recovery and Development Authority through fees, or other means;

4. administering supplementary funds received from federal or state sources through the administrative authority or Louisiana Resource Recovery and Development Authority; and

5. entering into contracts when necessary to provide for maximum efficiency of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§319. Assignment and Reassignment of Responsibilities

A. Assignment of New Responsibilities. The administrative authority may assign to local authorities new responsibilities required to implement elements of the program not assigned in LAC 33:VII.317.B.

B. Reassignment of Responsibilities. The administrative authority may reassign responsibilities assigned to the ~~Solid Waste Division~~ department or to local authorities in LAC 33:VII.317.B as may be deemed necessary to operate the program more effectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).